UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,427	07/26/2001	Bradford H. Needham	P 279172 P11167	4273

7590   08/25/2006

SHARMINI N. GREEN
c/o BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER
LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

┌ MAILED ┐

AUG 2 5 2006

└ Technology Center 2100 ┘

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/912,427
Filing Date: July 26, 2001
Appellant(s): BRADFORD, NEEDHAM

_____

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8 June 2006 appealing from the Office action mailed 15 December 2005.

1.   *Real Party in Interest*

A statement identifying the real party in interest is contained within the brief.

2.   *Related Appeals and Interferences*

A statement indicating Applicant is unaware of any related appeals or interferences is contained within the brief.

3.   *Status of Claims*

The statement of the status of the claims contained within the brief is incorrect. Claims 1-32 are pending in the application; however, Claims 1-32 <u>do not</u> stand finally rejected as of the last Office Action dated 15 December 2005. The claims as reproduced in Appendix A of the Appeal Brief are an accurate representation of the claims rejected as of the last Office Action dated 15 December 2005.

4.   *Status of Amendments*

The Appellant's statement contained within the brief, regarding the status of amendments filed after the last Office Action dated 15 December 2005, is correct.

5.   *Summary of Claimed Subject Matter*

The summary of the invention contained within the brief is correct.

6.   *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

extensive consideration of US Patent 5,760,917 to Sheridan in view of US Patent US

6,611,613 B1 to Kang.

Claim 1-32 are additionally rejected on the ground of nonstatutory double

patenting over claims 1-5 of U. S. Patent No. US 6,606,398 B2 to Cooper.

The above-noted rejections are set forth in a prior Office Action, mailed on 15

December 2005. The prior Office Action is included herein below:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be patented
> and the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

extensive consideration of US Patent 5,760,917 to Sheridan in view of US Patent US

6,611,613 B1 to Kang.

3.   Regarding Claims 1, 11, 19, 29 & 31, Sheridan discloses a method, system and

computer program for image sharing, (Abstract), comprising:

-        determining identifying information for an image, (Col. 6, lines 56-6; Col. 7,

         lines 1-51; Col. 10, lines 9-67; & Col. 11, lines 1-59);

-     defining a sharing rule that specifies with which one or more recipients images are shared, the sharing rule based on identifying information, (Col. 5, lines 7-18); and

-     applying identifying information associated with the image to the sharing rule to determine the one or more recipients with which the image should be shared, (Col. 5, lines 19-42; Col. 10, lines 61-67 & Col. 11, lines 1-59), making the same available to said recipients, (Col. 4, lines 25-67 & Col. 5, lines 1-45).

4.   Though Sheridan discloses indexing and sharing digital images associated with identification information entered by the user, Sheridan does not specifically enumerate the use of face recognition technology wherein said identifying information is for at least one face in the image. Kang discloses face recognition technology, which technology includes means for image analysis to determine face and association of face identification information to the image corresponding to the determined face, (Kang - Abstract; Col. 2, lines 46-67; Col. 3, lines 1-34, 61-67; & Col. 4, lines 1-22). It would have been obvious to one of ordinary skill in the art at the time of invention by Applicant to incorporate the use of face recognition technology into the Sheridan image distribution/indexing, (Sheridan – Col. 11, lines 9-12), method and system as noted within Kang, which enumerates the fact that image indexing is one field, which highly regards face recognition technology, (Kang - Col. 1, lines 26-30). Thus, Claims 1, 11, 19, 29 & 31 are found to be unpatentable in light of the combined teachings of Sheridan in view of Kang.

5.   Regarding Claims 2, 6, 12, 16, 20 & 24, the combined teachings of Sheridan and

Kang are relied upon as noted herein. Sheridan in view of Kang further discloses a

method, system and computer program for image sharing comprising: determining the

(face) identifying information/data (for at least on face) in the image using a (face)

recognition/conversion technique, (Sheridan - Col. 5, lines 7-45), in conjunction with a

database of (face) information, (Sheridan - Abstract; Col. 2, lines 20-67; Col. 3, lines 1-

15; Col. 4, lines 25-61; Col. 10, lines 61-67; & Col. 11, lines 1-59). Examiner notes that

indexing digital image information using face recognition technology obviously reads

upon identification information stored in a database of image information. Thus, Claims

2, 6, 12, 16, 20 & 24 are found to be unpatentable in light of the combined teachings of

Sheridan in view of Kang.

6.   Regarding Claims 3, 13 & 21, the combined teachings of Sheridan and Kang are

relied upon as noted herein. Sheridan in view of Kang further discloses a method,

system and computer program for image sharing comprising: determining the (face)

identifying information associated with the image by a user identifying a (face) in the

image, (Sheridan - Col. 5, lines 34-42). Thus, Claims 3, 13 & 21 are found to be

unpatentable in light of the combined teachings of Sheridan in view of Kang.

7.   Regarding Claims 4, 14 & 22, the combined teachings of Sheridan and Kang are

relied upon as noted herein. Sheridan in view of Kang further discloses a method,

system and computer program for image sharing comprising: automatically making the

image available to the determined one or more recipients, (Sheridan - Col. 5, lines 7-

64). Thus, Claims 4, 14 & 22 are found to be unpatentable in light of the combined teachings of Sheridan in view of Kang.

8.   Regarding Claims 5, 15 & 23, the combined teachings of Sheridan and Kang are relied upon as noted herein. Sheridan in view of Kang further discloses a method, system and computer program for image sharing wherein making the image available comprises at least one of automatically sending a copy of the image to the determined one or more recipients by email and automatically sending a link to the image on a Web site to the determined one or more recipients, (Sheridan - Col. 5, lines 7-64). Thus, Claims 5, 15 & 23 are found to be unpatentable in light of the combined teachings of Sheridan in view of Kang.

9.   Regarding Claims 7, 17, 25, 30 & 32, the combined teachings of Sheridan and Kang are relied upon as noted herein. Sheridan in view of Kang further discloses a method, system and computer program for image sharing wherein the image comprises at least one of a digital photo and a digital video, (Sheridan - Col. 4, lines 3-47). Examiner notes that digital video would be obvious in light of the teaching of digital images generally as a digital video is comprised of a series of digital images. Thus, Claims 7, 17, 25, 30 & 32 are found to be unpatentable in light of the combined teachings of Sheridan in view of Kang.

10.   Regarding Claims 8, 18 & 26, the combined teachings of Sheridan and Kang are relied upon as noted herein. Sheridan in view of Kang further discloses a method, system and computer program for image sharing wherein the sharing rule specifies at least one of a set of (face) identifying information, a range of (face) identifying

information and a characteristics of an item or set of (face) identifying information,

(Sheridan - Col. 10, lines 30-67 & Col. 11, lines 1-22). Thus, Claims 8, 18 & 26 are

found to be unpatentable in light of the combined teachings of Sheridan in view of Kang.

11.   Regarding Claims 9 & 27, the combined teachings of Sheridan and Kang are

relied upon as noted herein. Sheridan in view of Kang further discloses a method,

system and computer program for image sharing wherein the sharing rule comprises a

rule that images are only to be shared with the one or more recipients that are on a

(buddy) list, (Sheridan - Col. 4, lines 48-67; Col. 5; and Col. 6, lines 1-24). Examiner

notes that Sheridan teaches a stored list of individuals with whom the user has chosen

to share images. Further, said list would obviously include friends or "buddies" of the

user, and as such, could obviously be referred to as a "buddy list". Thus, Claims 9 & 27

are found to be unpatentable in light of the combined teachings of Sheridan in view of

Kang.

12.   Regarding Claims 10 & 28, the combined teachings of Sheridan and Kang are

relied upon as noted herein. Sheridan in view of Kang further discloses a method,

system and computer program for image sharing wherein the (face) identifying

information (comprises a personal name of a person whose face) is in the image,

(Sheridan - Col. 10, lines 30-67 & Col. 11, lines 1-22). Examiner notes that the use of

personal names, (predetermined characteristic), corresponding to individuals within the

photos would have been obvious in light of the indexing/storage functionality within

Sheridan wherein the user chooses individuals within images by name, for storing,

indexing or sharing purposes. Thus, Claims 10 & 28 are found to be unpatentable in

light of the combined teachings of Sheridan in view of Kang.

Double Patenting

13.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ
644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.
        Effective January 1, 1994, a registered attorney or agent of record may sign a
        terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply
        with 37 CFR 3.73(b).

14.   Claim 1-32 are rejected on the ground of nonstatutory double patenting over

claims 1-5 of U. S. Patent No. US 6,606,398 B2 to Cooper since the claims, if allowed,

would improperly extend the "right to exclude" already granted in the patent.

        The subject matter claimed in the instant application is fully disclosed in the

patent and is covered by the patent since the patent and the application are claiming

common subject matter, as follows: determining, indexing/cataloging and storing face

identifying information as derived from image data for purposes of creating a database

of said face identifying information, which database includes other identification

information such as names of individuals within said images.

Furthermore, there is no apparent reason why applicant was prevented from

presenting claims corresponding to those of the instant application during prosecution of

the application, which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158

USPQ 210 (CCPA 1968). See also MPEP § 804.

7. Response to Arguments

A. The combination of the Sheridan and Kang references is in fact proper. (Appeal Brief, p. 4)

Applicant argues that the combination of the Sheridan and Kang References is

improper, and Examiner respectfully disagrees, as noted within the prior Office Action

dated 15 December 2005:

> In response to applicant's argument that there is no suggestion to combine the
> references, the examiner recognizes that obviousness can only be established
> by combining or modifying the teachings of the prior art to produce the claimed
> invention where there is some teaching, suggestion, or motivation to do so found
> either in the references themselves or in the knowledge generally available to
> one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596
> (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.
> 1992). In this case, as clearly noted above, Kang provides proper motivation to
> combine the references by clearly noting, "a technique for detecting faces and
> facial area is highly regarded in various applied fields such as...image indexing,"
> (Kang – Col. 1, lines 17-32), which image indexing is clearly taught by Sheridan,
> (Sheridan – Col. 10, lines 50-67 & Col. 11, lines 1-12), as noted herein.

> In response to applicant's argument that the examiner's conclusion of
> obviousness is based upon improper hindsight reasoning, it must be recognized
> that any judgment on obviousness is in a sense necessarily a reconstruction
> based upon hindsight reasoning. But so long as it takes into account only

knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, again as clearly noted above, Kang provides proper motivation to combine the references by clearly noting, "a technique for detecting faces and facial area is highly regarded in various applied fields such as...image indexing," (Kang – Col. 1, lines 17-32), which image indexing is clearly taught by Sheridan, (Sheridan – Col. 10, lines 50-67 & Col. 11, lines 1-12), as noted herein.

Sheridan clearly teaches an (image) sharing rule comprising identification information, and Kang clearly teaches face recognition technology, wherein both references teach motivation to combine, (image indexing, storage and distribution), and wherein the combined teachings clearly and obviously would encompass determination of face identifying information for faces in an image for purposes of image distribution. Further, Applicant concedes that "Kang teaches an apparatus for detecting the position of a human face in an input image", (RCE dated 9 November 2005, p.10), wherein Examiner finds that the position of a human face is obviously face identifying information. Additionally, Examiner notes that proof of enablement is not a requirement under 35 USC § 103(a); however, Examiner further notes the fact that both Sheridan and Kang have been patented, proving enablement of the same, such that one of ordinary skill in the art would know how to enable the combination of the two references.

In response to applicant's argument that Sheridan is directed to an image distribution method rather than an image indexing scheme, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). Moreover, Examiner again notes that Sheridan clearly teaches image indexing, (Col. 10, lines 50-67 & Col. 11, lines 1-12).

That noted, Appellant continues to argue improper motivation within the Appeal Brief dated 8 June 2006. Specifically, Appellant notes "Sheridan is an image distribution system and nothing in the reference discusses image indexing – a search for the word "index", for example, fails to retrieve and such words. Thus, the fact that Kang discusses "image indexing" is irrelevant to the present invention", (Appeal Brief, p.5). Examiner disagrees, finding that the Sheridan reference clearly teaches, "image

indexing", as previously cited, (Sheridan – Col. 10, lines 50-67 & Col. 11, lines 1-12),

and as noted by Appellant, (Appeal Brief, p.9). Thus, Appellant's statement regarding a

search of the Sheridan reference for the word "index" is in fact inaccurate and incorrect,

as Sheridan specifically refers to the "indexing" of images. Moreover, per Appellant's

logic, the fact that Kang discusses "image indexing" is relevant to the present invention,

(as combined with Sheridan), clearly for purposes of teaching Appellant's claimed

invention, in its entirety, rendering the same unpatentable, as noted herein above.

Additionally, Examiner finds that Sheridan teaches "image indexing" based on

"predetermined characteristics", which predetermined characteristics are any suitable

predetermined characteristics determined by the operator of the system, and which

predetermined characteristics could obviously include identification of any portion of any

photo wherein an index has been applied. More specifically, the use of facial

recognition technology and the extraction of image content data for image indexing was

well known in the art at the time of Applicant, (as demonstrated by the Kang '613 patent

– cited herein and relied upon – (Kang - Col. 1, lines 21-31) as well as the Wang '055

patent – not relied upon – (Wang - Abstract; Col. 8, lines 52-67; & Col. 9, lines 1-6)).

Specifically, Wang enumerates a digital image management system which includes a

content analyzer that analyzes an image to extract content data from the image, which

content data includes face feature data, and which content data is indexed and stored

within an image database. Thus, Examiner notes that Wang clearly exemplifies the use

of facial recognition technology and the extraction of image content data for image

indexing as well known in the art at the time of Applicant. Therefore, Examiner

maintains that the applied references, (Sheridan and Kang), were in fact properly

combined, and as such the final rejection should be sustained.

> B.   The claims are in fact obvious over the cited references and the
> claim rejections should be sustained. (Appeal Brief, p. 5)

i.   The Examiner in fact met the burden of establishing a *prima facie* case of unpatentability.

Appellant again argues that Examiner has failed to establish a *prima facie* case

by solely reiterating Appellant's misperception as to Examiner's motivation to combine,

(Appeal Brief, p.6). Examiner respectfully disagrees and maintains that as proper

motivation to combine was presented, as noted herein above, Appellant's argument

regarding Examiner's establishment of a *prima facie* case is moot, as Examiner has

clearly met the requisite burden of proof. Thus, the rejection of Claims 1-32 should be

sustained.

ii.   The combination of references cited by the Examiner do in fact render Claims 1-32, (all Independent and Dependent claims) unpatentable.

Appellant argues that the Sheridan reference does not teach face identifying

information for at least one face in an image and utilizing this information in a sharing

rule to determine who receives an image, (Appeal Brief, p.8), and Examiner respectfully

disagrees.

As noted herein, Examiner has cited various sections of Sheridan as teaching the element of <u>applying identifying information associated with the image to the sharing rule to determine the one or more recipients with which the image should be shared</u>, (Col. 5, lines 19-42; Col. 10, lines 61-67 & Col. 11, lines 1-59), <u>making the same available to said recipients</u>, (Col. 4, lines 25-67 & Col. 5, lines 1-45). Examiner <u>never</u> relied upon Sheridan for teaching the well-known application of <u>face</u> identifying information, as Examiner clearly relied upon Kang for the same, as noted herein.

Appellant <u>does not dispute</u> the fact the Sheridan teaches applying identifying information associated with the image to the sharing rule to determine the one or more recipients with which the image should be shared, and Appellant additionally cites passages of Sheridan which teach both access rights, (i.e.: sharing rules), (Appeal Brief, p.8), and image indexing, (Appeal Brief, p.9). Thus, Examiner finds that Appellant accepts that Sheridan teaches applying identifying information associated with the image to the sharing rule to determine the one or more recipients with whom the image should be shared, and only disputes the specific use of <u>face</u> identifying information within the Sheridan patent, <u>the specific use of which was not relied upon by Examiner</u>. Instead, for purposes of the well-known application of <u>face</u> identifying information for image indexing, Examiner has clearly and specifically cited the Kang reference, the proper combination of which with the Sheridan reference, (as noted herein), clearly and obviously teaches each and every aspect of Appellant's claimed invention and the isolation of which may not be individually argued, as noted within the prior Office Action dated 15 December 2005:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Specifically, Applicant argues that the prior art does not suggest the use of face identifying information as applied to a sharing rule to determine which recipients should receive the image, and Examiner respectfully disagrees. As noted herein above, the combination of the references clearly reads upon Applicant's claim language in its entirety.

Sheridan clearly teaches an (image) sharing rule comprising identification information, and Kang clearly teaches face recognition technology, wherein both references teach motivation to combine, (image indexing, storage and distribution), and wherein the combined teachings clearly and obviously would encompass determination of face identifying information for faces in an image for purposes of image distribution. Further, Applicant concedes that "Kang teaches an apparatus for detecting the position of a human face in an input image", (RCE dated 9 November 2005, p.10), wherein Examiner finds that the position of a human face is obviously face identifying information. Additionally, Examiner notes that proof of enablement is not a requirement under 35 USC § 103(a); however, Examiner further notes the fact that both Sheridan and Kang have been patented, proving enablement of the same, such that one of ordinary skill in the art would know how to enable the combination of the two references.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., face identifying information comprising <u>identification numbers</u>) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Moreover, Examiner notes that Sheridan teaches the use of "predetermined characteristics" for indexing purposes, which predetermined characteristics may be any suitable predetermined characteristics determined by the system operator, (Sheridan – Col. 11, lines 3-12), wherein, in light of the Kang face recognition technology as used within image indexing, it would have been obvious for said predetermined characteristics to include personal names, identification numbers or any other face identifying information, as noted herein.

Appellant argues Examiner has implied that "predetermined characteristics" refer

to <u>face</u> identifying information, (Appeal Brief, p.10), and Examiner respectfully

disagrees, noting again that Examiner <u>never</u> relied upon Sheridan for <u>face</u> identifying

information, and thus this point is also moot. Appellant goes on to note that "face

identifying information can be of various types such as personal names, identification

numbers, <u>or any other face identifying information associated with an image</u>",

(Appellant's specification, p.7, paragraph 18), <u>admitting</u> that "<u>face identifying information</u>

<u>thus refers to a broad range of information pertaining to faces</u>", and <u>conceding</u> that

"<u>Kang teaches an apparatus for detecting the position of a human face</u>", (Appeal Brief,

p.11), <u>which position of a human face is clearly and obviously face identifying</u>

<u>information per Appellant's definition</u>.

Additionally, Appellant argues that Examiner has only highlighted Col. 1, lines 26-

30 of Kang to teach "identifying faces" as well as the motivation to combine the

Sheridan and Kang references, and Examiner respectfully disagrees, noting paragraph

4 of the prior Office Action dated 15 December 2005, which reads as follows:

> Though Sheridan discloses indexing and sharing digital images associated with
> identification information entered by the user, Sheridan does not specifically
> enumerate the use of face recognition technology wherein said identifying
> information is for at least one face in the image. <u>Kang discloses face recognition</u>
> <u>technology, which technology includes means for image analysis to determine</u>
> <u>face and association of face identification information to the image corresponding</u>
> <u>to the determined face, (Kang - Abstract; Col. 2, lines 46-67; Col. 3, lines 1-34,</u>
> <u>61-67; & Col. 4, lines 1-22). It would have been obvious to one of ordinary skill in</u>
> <u>the art at the time of invention by Applicant to incorporate the use of face</u>
> <u>recognition technology into the Sheridan image distribution/indexing, (Sheridan –</u>
> <u>Col. 11, lines 9-12), method and system as noted within Kang, which enumerates</u>
> <u>the fact that image indexing is one field, which highly regards face recognition</u>
> <u>technology, (Kang - Col. 1, lines 26-30).</u>

Finally, Examiner strongly emphasizes that the use of facial recognition

technology and the extraction of image content data for image indexing was well known

in the art at the time of Applicant, (as demonstrated by the Kang '613 patent – cited

herein and relied upon – (Kang - Col. 1, lines 21-31) as well as the Wang '055 patent –

not relied upon – (Wang - Abstract; Col. 8, lines 52-67; & Col. 9, lines 1-6)), as noted

herein.

Thus, Examiner maintains that the applied references, (Sheridan and Kang),

were in fact properly combined, and do in fact, in combination, teach each and every

element of Appellant's claimed invention, and as such the rejections should be

sustained.

For the above reasons, it is believed that the Examiner should be affirmed.
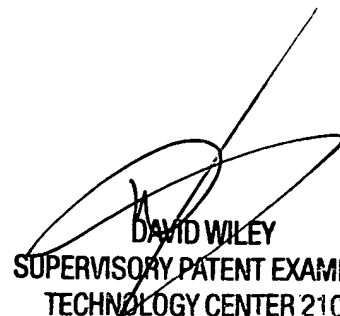

Respectfully submitted,

Arrienne M. Lezak

Conferees

David A. Wiley

John Follansbee

SPE 2174

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100